

EXHIBIT B

1 - 62

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RONALD & PATRICIA SHAMON,)	
)	
Plaintiff,)	
-v-)	DOCKET NO.
)	04-11674-WGY
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

THE ORAL DEPOSITION OF PATRICIA SHAMON, held pursuant to Notice, and the applicable provisions of the Federal Rules of Civil Procedure, before Diana Strzeminski, a Court Reporter and Notary Public, within and for the Commonwealth of Massachusetts, at the offices of the United States Attorney, 1 Courthouse Way, Suite 9200, Boston, Massachusetts, on Wednesday, March 16, 2005, commencing at 10:10 a.m.

COPY

APEX Reporting
(617) 426-3077

1 Q What's your current address?

2 A No. 8 Sanderson Drive, Commons Building, Plymouth,
3 Massachusetts 02360.

4 Q How long have you lived there?

5 A Since September of '98. So, that's...

6 Q Do you own or rent that property?

7 A Own.

8 Q Where did you live prior to that address?

9 A Fort Lauderdale, Florida.

10 Q What was your address there?

11 A 1170 North Federal Highway.

12 Do you need the zip code?

13 Q If you remember it. Sure.

14 A 33304.

15 Q How long did you live at that address?

16 A Twenty years.

17 MR. WILMOT: My grandmother actually just moved
18 back up from Fort Lauderdale recently.

19 THE WITNESS: Where?

20 MR. WILMOT: We can talk about that off the
21 record.

22 THE WITNESS: Oh, come on. That's more
23 interesting to me than--

24 (Laughter.)

25 BY MR. WILMOT:

1 A I'll sit there and laugh.

2 Q Just smile.

3 A June of 1987.

4 Q Were you dating anyone else at that time?

5 A No.

6 Q Obviously, at some point, Mr. Shamon proposed to
7 you. Is that right?

8 A Yes.

9 Q When did he propose to you?

10 A Well, it was sort of a known fact that sometime we
11 would get married and it was -- I don't know. I don't know
12 when he proposed.

13 Q Was there, at some point, where he gave you an
14 engagement ring or anything like that?

15 A Yes.

16 Q When was that?

17 A One year after I met him.

18 Q So that was--

19 A 1988.

20 Q 1988, okay.

21 Were there witnesses to that event?

22 A No.

23 Q When he gave you a ring?

24 A No.

25 Q Prior to 1988, were you and Mr. Shamon living

1 together?

2 A Yes.

3 Q And that was in Fort Lauderdale?

4 A Correct.

5 Q At the address that you already gave?

6 A Correct.

7 Q Whose home was that?

8 A Mine.

9 Q Do you remember what the date was in January when
10 he moved into that home?

11 A June -- no, not exactly. I would say maybe the
12 15th -- June 15th.

13 Q Of what year?

14 A 1987. I hate to be maudlin, but it was love at
15 first sight.

16 Q Now when was the date of the actual wedding?

17 A April 12th of 2002.

18 Q Prior to April 12th of 2002, did you tell people
19 that you and Mr. Shamon were married, before you were
20 actually got married?

21 A Not in Fort Lauderdale.

22 Do you want me to elaborate?

23 Q Yes, please.

24 A When we moved to Plymouth, which is a residential
25 area, we said we were married because it embarrassed me that

1 we weren't. I was afraid that people would look down their
2 noses or something.

3 Q Do you remember who you told that you and
4 Mr. Shamon were married?

5 A Well I didn't say, "We are married." I just -- we
6 just introduced ourselves as Pat and Ron Shamon.

7 Q Do you know to whom you made that introduction?

8 A Neighbors.

9 Q Neighbors in that area?

10 A Yes.

11 Q Do you know any of their names?

12 A I know names. Yes. McGinnis, M-C-G-I-N-N-I-S.

13 Q That's the last name?

14 A Yes.

15 Q Do you know what the first name--

16 A --Jeff and Irene.

17 Q And they live?

18 A Next door.

19 Q Next door.

20 A Elise Vaunhefflyun. Wait a minute.

21 V-A-U-N-H-E-F-F-L-Y-U-N. I think.

22 Q You said that was Elise?

23 A Correct. E-L-I-S-E.

24 Q Have you any other names you can remember?

25 A Not off hand.

1 Q Do you remember, generally, when you told the
2 McGinnis's that -- or when you introduced yourselves to the
3 McGinnis's as Pat and Ron Shamon?

4 A We bought our house from them.

5 Q Okay. So, you think that at your first meeting,
6 that's how you introduced yourselves?

7 A Probably, yes.

8 Q When was that first meeting?

9 A Probably at the beginning of September of '98.

10 Q And how about with Elise?

11 Do you remember when you would have made that
12 introduction?

13 A No. She's a neighbor.

14 Q When did you actually move into your home in
15 Plymouth?

16 A I believe we had our closing in the middle of
17 October of '98.

18 Q Other than neighbors, did you introduce or did you
19 tell family members that you and Mr. Shamon were married?

20 A Oh, no.

21 Q How about your friends? Did you tell your friends
22 that you and Mr. Shamon were married?

23 A No.

24 Q Okay. Prior to April 12th, 2002, what type of
25 savings account did you have?

1 A The same as I have now.

2 Q Which bank was that with?

3 A Back then -- well, whatever Sovereign was, it's
4 changed its name a million times. Compass. I think before
5 Sovereign. Yes.

6 Q Compass Bank. What type of savings account did
7 Mr. Shamon have prior to April 12th, 2002?

8 A This was all joint.

9 Q It was a joint account?

10 A Yes.

11 Q When did you open this joint account together?

12 A When we moved to Plymouth.

13 Q In 198--

14 A --1998.

15 Q 1998?

16 A 1998, yes.

17 Q Do you have a joint checking account together, as
18 well?

19 A Yes.

20 Q Was that opened at the same time?

21 A Yes. I would say so.

22 Q Before April 12th, 2002, how did you -- did you
23 file your taxes together?

24 A No.

25 Q Do you file your taxes together now?

1 A Yes.

2 Q And that began after you were married?

3 A Correct.

4 Q When did you actually begin planning your wedding?

5 A When we moved up here.

6 Q So, 1998, you started to plan?

7 A Umm.

8 COURT REPORTER: I need a yes.

9 MR. WILMOT: I'm sorry, did you say yes or no?

10 THE WITNESS: I'm sorry. Yes. Did I say, umm?

11 I beg your pardon.

12 MR. WILMOT: That's all right.

13 BY MR. WILMOT:

14 Q When did you obtain a marriage license?

15 A Shortly before February -- April 12th, 2002.

16 Q Do you still have a copy of your marriage license?

17 A I do, but I don't have it with me.

18 Q Right, I understand. Did you have a copy
19 somewhere?

20 A Oh yes, Yes.

21 Didn't we send one -- I'm sorry.

22 Q It's okay.

23 A Excuse me.

24 Q Where were you married?

25 A Plymouth Town Hall.

1 Q Who married you?

2 A A Town Clerk or other -- I'm not sure of his
3 position.

4 Q Do you remember when you contacted the Plymouth
5 Town Hall to schedule that?

6 A No.

7 Q Was it back in 1998 or was it shortly before the
8 actual wedding?

9 A It was shortly before.

10 Q Now you said it began planning in 1998 for your
11 wedding.

12 What things did you plan in that period from 1998
13 to April 12th, 2002?

14 A I shouldn't say the wedding, per se. I didn't
15 walk down the aisle with a long white dress; just planned to
16 be married, and we were going to be married in December of
17 2001.

18 Q With the Town Clerk or who were you--

19 A Well, yes. I mean--

20 Q Did you -- so, you're planning -- do you remember
21 the date that you were planning to have that wedding?

22 A I seem to remember the 10th, but I'm not positive.

23 Q Okay, I thought you were looking for something.

24 A Oh, I'm not--

25 Q You believe it was early December of 2001 you were

1 Florida.

2 Q Anyone else?

3 A I'm sure there are others. I don't think of them
4 at the moment.

5 Q Do you remember when you told Andy and Laura that
6 you were going to get married in December of 2001?

7 A It would have been in June of 2001.

8 Q Why do you say that?

9 A Because my husband gave me an engagement ring and
10 a wedding band on my birthday, June 9th.

11 Q Were they there to see that?

12 A Were they at the wedding or--

13 Q --Andy and Laura there to see when you received
14 the ring on your birthday?

15 A No.

16 Q How do you remember telling them that you would --
17 that you were going to get married in December of 2001?

18 A Because we baby sit. They have three children,
19 and we baby sit a lot, and we are there. They live in
20 Norwood.

21 Q Do you remember when you told Pamela and Larry
22 Fleming that you were going to get married in December of
23 2001?

24 A No. All these people I would have called, you
25 know, within a few days or that day or soon.

1 wedding in December 2001; have a dinner at this place in
2 Marshfield?

3 A No.

4 Q What were you planning for after that wedding if
5 it went forward?

6 A What were we planning originally?

7 Q Yes.

8 A We were going to have a small reception.

9 Q Where were you going to have that reception?

10 A We had not got that far.

11 Q When did you decide that you were going to cancel
12 the December 2001 wedding?

13 A When Ron was in the hospital.

14 Q Okay. So, when Ron was in the hospital, you mean,
15 when he went in for -- what date are you talking about as to
16 when he went into the hospital?

17 A Well, he -- when he had the sigmoid -- on the 7th.
18 And then he became so ill that, you know, I was taking him
19 back and forth, and he was too sick to do anything.

20 Q Now, he had the sigmoidoscopy procedure on the 7th
21 of December 2001. Right?

22 A That's right.

23 Q And you said that your memory was that you were
24 going to have the wedding on December 10th, 2001?

25 A Yes.

1 Q So, then when did you decide to cancel the
2 December 10th wedding?

3 A After the sigmoid, on the 7th. He started feeling
4 very, very sick, and progressively became more
5 incapacitated. And the wedding was just not an issue at
6 this point.

7 Q So, in the three days between the sigmoidoscopy
8 procedure on the 7th, and December 10th, within that three
9 days, you decided to cancel the wedding?

10 A Right.

11 Q But, you had not booked the reception hall or
12 anything like that?

13 A No.

14 Q Not even before December 7th?

15 A No.

16 Q When were you planning to schedule your reception?

17 A Mr. Wilmot, it was not going to be a reception as
18 far as a big reception. It would have been maybe more
19 people, more family.

20 My husband at that time had two brothers living,
21 and they were -- would have been a few more people at our
22 dinner.

23 Q How many people were you planning to invite?

24 A I don't know, maybe five or six.

25 Q Do you remember contacting anyone to let them --

1 do you remember contacting anyone to set up this small
2 reception, as you've described it?

3 A No.

4 Q When were you planning to call people or to let
5 them know that you wanted to have a small reception after
6 your wedding on the 10th of December?

7 A Probably the day before.

8 Q So, then -- you obviously then didn't mail any
9 invitations or anything?

10 A Oh, no.

11 Q Okay.

12 A At this age you don't get too carried away.

13 Q And did you go with Mr. Shamon to the VA on
14 December 7th, 2001?

15 A I did.

16 Q Can you tell me what you observed that day from
17 when you arrived at the VA?

18 A I went in. I sat with him until in the waiting
19 room until they called him in.

20 Q Which VA was this?

21 A Jamaica Plain.

22 Q So you sat with him in the waiting room?

23 A Yes, until they called him in.

24 Q Did you go in with him?

25 A No.

1 Q How long since his discharge on the 21st?
2 Did you notice any changes in his physical
3 condition?

4 A After he was discharged? He was very weak. He
5 couldn't walk without assistance. He couldn't get out of
6 bed without assistance. He was distraught, to say the
7 least.

8 He had visiting nurses twice a day to irrigate the
9 area.

10 Q Other than the post-op visits, do you remember the
11 next time he went to the VA?

12 A He -- I don't know.

13 They found pus in the -- wait a minute. He went
14 to Jordan Hospital the beginning of January because he
15 fainted in the shower. And, he was non responsive, so I
16 called 911 because he hit his head on the faucet, and he was
17 told that this was because he was taking a diuretic.

18 A visiting nurse was there when this occurred, and
19 said to me, "I don't understand why he passed out. Let me
20 see his medications." And, when I showed her the many
21 bottles, she said, "He should not be taking this." And I'm
22 sorry, Mr. Wilmot, I don't know the name of it.

23 Q Okay.

24 This is a VA nurse?

25 A No, no, the visiting nurse.

1 2001, what other changes in your husband's physical
2 condition did you notice?

3 You already told me that he was weak. At times he
4 could not walk. What other physical conditions did you
5 notice?

6 A Well, I had set up a hospital room in one of the
7 guest rooms, and that's where he stayed for months, and
8 months, and months.

9 He was very fearful. I had to be--

10 Q Before you get into emotional changes, can you
11 just tell me what physical changes you noticed after the
12 Flex-Sig on December 7th, 2001?

13 A He couldn't sleep. He was tearful. He was
14 completely unable to take care of himself.

15 Q Can you be more descriptive?

16 A I -- well I had to bathe him. Is this what you
17 mean?

18 Q I'm asking what physical conditions--

19 A Well, he was unable to bathe himself. He was
20 unable to clean himself after a bowel movement or -- and
21 after a bowel movement he had to use a sitz bath, which had
22 to be cleaned. He took many naps during the day.

23 Q Anything else?

24 A Not really. He was very debilitated. You don't
25 want to know about his mental--

1 Q Not yet. I just want you to -- I want to exhaust
2 your memory as to what physical changes you've noticed in
3 your husband after the Flex-Sig procedure.

4 A Well, he was just very, very, weak; very sick;
5 very -- he was--

6 Q When you say sick, what do you mean by sick? Was
7 he vomiting?

8 A No. No.

9 Q Did he have headaches?

10 A He had -- yes, he had -- he had an appetite loss.
11 He was just a totally different person.

12 Q Now, when did you first notice that he was
13 suffering from headaches?

14 When did he first tell you, having headaches?

15 A I don't know. He was just -- he was so devastated
16 by what happened to him that he, you know, he hurt.

17 Q Is he still suffering from headaches?

18 A No. No, not abnormally, no.

19 Q Do you know when the abnormal headaches, as you
20 described it, ended?

21 A No, it was all a process of healing, as he
22 gradually felt better.

23 Q When would you -- do you have a memory as to when
24 he stopped complaining about headaches?

25 A No. It was one of many things following his

1 initial surgery; following his coming home.

2 He was -- he was fearful of, "What's going to
3 happen to me?"

4 Q Again, before we get into the emotional changes
5 you noticed, I just want to finish through the physical
6 changes, and we will get to that.

7 You said that he could not sleep. When did you
8 first notice that he was unable to sleep?

9 A Right away because--

10 Q I'm sorry, right away?

11 A After he came home; upon his discharge.

12 Q So, beginning on December 7th, he was unable to
13 sleep or his discharge--

14 A 21st, yes.

15 Q So, starting on December 21st, 2001, he was having
16 trouble sleeping?

17 A Yes.

18 Q Does he still have trouble sleeping?

19 A No.

20 Q When did his trouble sleeping end?

21 A Oh, I'd say probably after the catheter was
22 removed; I don't remember the date. He had that probably--

23 Q You said he--

24 A --maybe into February.

25 Q Of 2002?

1 A Yes. He -- he didn't want to go to bed at night,
2 and since I had to get up with him, at least twice a night
3 for the sitz baths, I used to try to get him to go to bed
4 because I was so tired, I wanted to go to sleep.

5 And, when I would say, "Good night," -- I mean his
6 eyes were wide open and he'd say, "But, I can't sleep.
7 We'll try."

8 But, he took naps during the day, and he was just
9 so -- he was afraid to go to sleep. He didn't want to be
10 alone.

11 Q You also told me he was tearful. What do you mean
12 by that?

13 A That's emotional.

14 Q That's emotional? All right, then we'll get back
15 to that.

16 You also said he had an appetite loss. When did
17 you notice this appetite loss?

18 A Immediately.

19 Q Immediately, starting when?

20 A December 21st.

21 Q Does he still have that appetite loss?

22 A No. I'm sorry.

23 Q When did he get his appetite back?

24 A I would say toward the end of the year; maybe Fall
25 of 2002?

1 Q Do you remember -- are any other physical changes
2 that you remember in your husband following the Flex-Sig on
3 December 7th, 2001?

4 A No.

5 Q Why don't you tell me about the emotional changes
6 that you noticed?

7 A He was primarily afraid to trust any doctor. He
8 was afraid to be alone for any time at all.

9 If I left the house to do marketing, I would rush
10 through it. And the minute I walked through the door, he
11 would be, "Where were you? You were gone so long. What if
12 something had happened to me"? He was -- he had become
13 extremely dependent, which was a complete about face.

14 He was very irritable, which he still is;
15 short-tempered; attention span is short.

16 He talks about this whole episode continuously to
17 everybody; inappropriately I think, in many cases, to people
18 who he hardly knows, and repetitiously.

19 It's just devouring him. He's very depressed. He
20 doesn't feel adequate. He can't -- his strength is gone.
21 He was unusually strong, and now he can't do things. He has
22 groin pain if he lifts anything very heavy.

23 And, there are so many things. He doesn't do lawn
24 work; he doesn't shovel snow.

25 I mean, this is -- if he -- we used to travel.

1 Now he can't sit very long, so if we drive anywhere, he has
2 to keep stopping and getting out to walk around. He was
3 told he has scar tissue which is the cause of this, and that
4 it would always be, which makes him very despondent.

5 He doesn't have interest in doing things, whether
6 it's -- he was in the middle of finishing the basement with
7 his brother -- our basement -- just prior to this, and it's
8 still sitting there. It's too much for him. Everything is.

9 He's irritable with our grandchildren, and a very
10 short fuse. Our sex life is non-existent. I don't know.

11 Q If anything else comes to your mind, you know,
12 just bring it up so we can just -- I just want to go through
13 these with you.

14 And you said that he -- you noticed that he became
15 afraid to trust doctors. Do you remember when that began,
16 that fear of doctors?

17 A Progressing through his treatment until he met
18 Dr. Cima. C-I-M-A.

19 Q You say, until he met Cima. So, once he met Cima
20 he wasn't afraid anymore or that fear dissipated?

21 A He trusted Dr. Cima, but even he really -- he's
22 become quite paranoid, I think. And, I'm not a
23 psychologist, so that's a lay interpretation, but I really
24 do feel that he has become so.

25 Q You said he was afraid to be left alone. Do you

1 remember when that began?

2 A When he came home from the hospital, on the 21st.

3 Q Is he still afraid to be--

4 A No.

5 MR. WILMOT: Ms. Shamon, you have to wait for me
6 to finish my question. That's all right.

7 THE WITNESS: I beg your pardon.

8 MR. WILMOT: It's tough. This is like a
9 conversation.

10 THE WITNESS: I know, I know. I'm sorry.

11 BY MR. WILMOT:

12 Q So, I was just asking, is he still afraid to be
13 left alone at home?

14 A No.

15 Q When did that fear dissipate?

16 A Gradually, I think towards the end of his
17 recuperation, after he had subsequent surgery with Dr. Cima,
18 and felt that he was not going to die any minute now, which,
19 prior to that, I think was foremost in his mind.

20 Q Do you know what month that was or--

21 A No. May?

22 Q Of 2002?

23 A Yes.

24 Q You said he was extremely dependent on you. When
25 did that begin?

1 A When he came home from the hospital.

2 Q On December 21st, '01?

3 A Yes.

4 I'm so sorry, Mr. Wilmot. I'm sorry.

5 Q On December 21st, '01 was when his dependence
6 began?

7 A Yes.

8 Q Is he still extremely dependent on you?

9 A In many ways, yes, but he doesn't know he is.

10 Q Other than the typical ways that husbands are
11 dependent on their wives, you described it as being
12 extremely dependent obviously where it was a burden for you,
13 perhaps?

14 A No.

15 Q Was that a burden?

16 A It was mentally and physically exhausting to me,
17 but -- are you saying "burden," as in did I object to doing
18 it, no.

19 Q Right, I'm not saying that. But, you described it
20 to me as "extremely dependent." Those were your words. Is
21 he still extremely dependent on you?

22 A No.

23 Q When would you say that extremely dependence
24 ended?

25 A Toward the middle of summer, late summer of 2002

1 as he became more capable of leading a normal life, so to
2 speak.

3 Q You say late summer? You mean July, August?

4 A August.

5 Q You said that he became very irritable, was he --
6 prior to his being released from the hospital in December
7 21st, 2001, was he not irritable before that?

8 A You mean in the years before?

9 Q Right.

10 A No, he was not.

11 Q So, you noticed specifically that he became
12 irritable after this, after he was released from the VA?

13 A Correct.

14 Q Is he still irritable?

15 A Yes, sir.

16 Q With confidence.

17 In what ways?

18 A Everything. He's very short-tempered. Everything
19 bothers him, things which I feel are not -- that's life.

20 For instance, driving, road rage personified.

21 Q And he had not exhibited these type of traits
22 before?

23 A No, not at all.

24 What else? He's short-tempered even watching
25 television, with neighbors, with interaction. Everyone is

1 annoying at some time. We all have our moments.

2 If -- I don't know -- little things around the
3 house that are part of daily living, he can explode very
4 easily. And he doesn't mean to and he's sorry he does it,
5 but it happens.

6 Q You said also that he developed a short attention
7 span. When did that begin?

8 A At the same time.

9 Q After December 21st, so on?

10 A Yes.

11 Q And he still has a short attention span?

12 A Yes.

13 Q And he did not have one beforehand, before
14 December 21st, 2001?

15 A No. He was a fun, interesting, very gregarious --
16 as he still is -- person but light-hearted and different.

17 Q You also said that he became depressed. When did
18 you first notice depression in your husband?

19 A He sat -- he has a recliner in the family room,
20 and he sat for hours on end, staring out through the sliding
21 glass doors at the trees and the sky, meditating and feeling
22 very sorry for himself, and thinking that he was never going
23 to be the same man he was before.

24 Q Now what type of things was he saying to you to
25 make you think that he -- that's how he felt?

1 A "I can't lift anymore. I get -- I can't -- at
2 this point, I can't even drive the car. I wonder if I ever
3 will be able to do anything that I used to do."

4 We had an emergency trip to Tennessee in -- I
5 think it was April of that year, which was memorable. Did
6 you ever push a wheelchair with his size on a carpet through
7 airports, and it just -- he was unable to live his life as
8 he had in the past.

9 Q And, when did you first notice that he was
10 depressed about all these things?

11 A I would say immediately, because he kept saying,
12 "Why did this happen to me. Why me. What did I ever do to
13 deserve this?"

14 "I had -- I should have gone to somebody else.
15 Why did I have this person who hurt me, who caused all my
16 trouble--"

17 Q Now you said, "immediately," you mean, immediately
18 after December 21st, '01?

19 A Yes, when he was home, because we were home -- we
20 were there by ourselves.

21 Q Is he still depressed?

22 A I would say so, yes. I mean, it's not as
23 specifically -- well now it is because of the--

24 Q Take your time.

25 A Oh, because of coming here and so forth. But,

1 Q And, did your husband see anyone?

2 A No, because he thinks that's being weak.

3 Q And you also said, you noticed -- I'm sorry -- you
4 said you noticed a loss of strength in your husband?

5 A Oh, yes. Tremendously.

6 Q And when did you first notice that?

7 A When he came home from the hospital.

8 Q On December 21st, 2001?

9 A Yes.

10 Q Does he still suffer from the loss of strength?

11 A Yes.

12 Q You said there's housework he is unable to do now?
13 Is that correct? I believe you said--

14 A What house -- not house work as in dusting and you
15 know--

16 Q Yard work.

17 A Right.

18 Q So, he's -- he no longer mows the lawn. Is that
19 what you said?

20 A He mows the lawn very rarely, when it gets
21 extremely high, and our son-in-law can't do it, and he does
22 it in little dribs and drabs, and he's totally out of
23 breath, and has to come in and sit down. Yeah, he does it,
24 but not very often.

25 Q Sounds like me.

1 A And, your excuse is?

2 Q Shoveling snow.

3 A I do it.

4 Q You do it?

5 And, you've been doing it since when?

6 A 2001.

7 Q Now you were saying you do not travel, but you
8 just said that you were in Florida?

9 A Well, we can't -- what I -- I'm sorry, we don't.
10 We can't travel as we did before.

11 We -- if we fly, he has to sit up in front in the
12 aisle seat. For no reason, it's just -- he's a different
13 person psychologically. And, if we drive, I do most of the
14 driving, and we stop very frequently so he can get out and
15 stand up and walk around.

16 Q And, this is because he cannot sit long?

17 A Yes.

18 Q And, when did you first notice that?

19 A Immediately. He has to sit on his donut.

20 Q And, when you say, immediately, you mean
21 immediately after he was released?

22 A Yes.

23 Q You said -- you mentioned also that he has scar
24 tissue. When did you first hear about the scar tissue?

25 A From Dr. Cima.

1 Q When was that?

2 A I don't know when Dr. Cima saw him, Mr. Wilmot.

3 Q Okay.

4 A I'm sure it's in the chart.

5 Q Is it your belief that he still has this scar
6 tissue?

7 A Oh, yes, he does.

8 Q You said he has a lack of interest in doing
9 things, as well. When did you first notice that?

10 A Right away. Everything is too much effort.
11 Everything is -- or he'll plan to do something, and then it
12 just doesn't get done. It's not important any more.

13 Q And that began in December of 2001?

14 A Yes.

15 Q And, he still lacks this interest in doing things?

16 A Right.

17 Q Has it gotten any better?

18 A That's hard to say. If I press it, sometimes I
19 can get him to do it. And other times, he explodes. You
20 know, I never know how he's going to react.

21 Something that's very important to accomplish
22 today, is sort of just forgotten about tomorrow.

23 And I don't mean to make him out as a terrible
24 person, and that's how I'm sounding, because he can't help
25 it. He really is a good guy.

1 Q The loss of strength. Has that gotten any better
2 since December 21st, 2001?

3 A Well, of course. He -- I don't have to help him
4 walk around or get in and out of bed, or so on. But, his
5 endurance is non-existent. It's just...

6 Q I think you said also that things are too much for
7 him, since --

8 A Well --

9 Q -- I'm sorry, you said still -- said somewhat to
10 him not having any interest in doing things?

11 A Well, if there are obstacles, it's hard for him to
12 stay focused. I can't think of another example at the
13 moment.

14 Q And, when did that begin; that things overwhelmed
15 him?

16 A Same time.

17 Q And, he still suffers from that?

18 A Yes.

19 Q Has that gotten any better?

20 A Somewhat.

21 Q I apologize for going through this last bit of
22 questioning.

23 You said, as well, your sex life is non-existent.
24 When did you notice that change in that aspect of your
25 relationship?

1 A Obviously, December 7th, but--

2 Q From December 7th, forward?

3 A Correct.

4 Q And, it's still the case today?

5 A That is correct.

6 Q Has that improved at all since December 7th, 2001?

7 A Not really.

8 Q When you say non-existent, you mean, none
9 whatsoever?

10 A No, occasionally.

11 Q When did it first start -- I'm sorry about this.
12 When did it first start back up again?

13 A In the fall of 2002.

14 Q How -- everything you described to me in terms of
15 his -- the changes in his physical and mental condition
16 since the Flex-Sig procedure, on December 7th, 2001, how has
17 it affected you?

18 A I've spent a lot of time crying in private and
19 trying not to be sorry for myself, and you know, he--
20 Why do I have to keep saying these things. I
21 don't--

22 Q Do you want to take a moment?

23 A No. What difference does it make? You know,
24 you're making me sound like I'm a terrible person and I hate
25 him, and I don't mean that.

1 MR. WILMOT: Can we go off the record for a
2 moment?

3 (Off the record at 11:47 a.m. to 12:02 a.m.)

4 BY MR. WILMOT:

5 Q You were just describing how your husband's
6 physical and emotional conditions have affected you, and you
7 said there were times that you, you know, you've cried and--

8 A Still do.

9 Q Yes. Can you tell me about anything else?

10 A Yes. I overeat. I was very thin when this
11 occurred, and I soothed my ruffled feelings by eating, which
12 I never did before.

13 And I think I'm irritable. It's -- I sort of
14 fight back which I shouldn't.

15 And, I don't sleep well. I really -- I'm sure
16 that his health is okay, but I live in constant fear when he
17 is out of the house that something is going to happen to
18 him.

19 Q When you say something may happen to him. Like
20 what?

21 A That he will get sick or have an accident or--

22 Q Does he mean fear of anything happening to him?

23 A Yes, because he says frequently, "With your family
24 history, you're going to live to be a hundred and I'm not
25 going to live long." He says it all the time, and it's --

1 you know, I don't want this to happen.

2 Q Anything else?

3 A No.

4 MR. WILMOT: I don't have any further questions.

5 But I just want to put in the record that I haven't received
6 the documents from the Request for Production of Documents
7 that I served or any initial disclosure documents yet. So,
8 to the extent, when I receive your documents, if there is
9 some issue or something that's in those documents I need to
10 explore further with Ms. Shamon, I just want to reserve the
11 right to recall her as a deponent.

12 MS. SUGARMAN: That's all right.

13 MR. WILMOT: That's all I have.

14 MS. SUGARMAN: I have no questions.

15 MR. WILMOT: We're all done.

16 (Whereupon, at 12:05 p.m., the proceeding was
17 concluded.)